

REMARKS

Applicants submit this Request for Reconsideration After Final in reply to the final Office Action mailed July 14, 2005.

On pages 2-3 of the final Office Action, claims 1-3, 12, 13, and 17-24 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,356,375 to Higley ("Higley"); and claims 4-11 and 14-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Higley. Applicants respectfully traverse these rejections.

Higley does not disclose or suggest the invention as claimed in independent claim 1. For example, independent claim 1 recites a suction adapter for use with first and second medical devices capable of accommodating suction including, among other aspects, "a flexible flow valve having an opening positioned in both a first flow path between the first device port and the second device port and a second flow path between the first device port and the suction port, the flexible flow valve permitting simultaneous fluid flow between the suction port." Higley does not disclose or suggest at least these aspects of the claimed invention either alone or in combination with the other aspects of the claimed invention.

Higley discloses a dual check valve 20 connected to a first tubing 3 at point 23, a manifold 4 at point 24, and a waste container at point 25. In the configuration shown in Fig. 2, intake check valve 21 remains open so that fluid flows from point 23 to point 24. Exhaust check valve 22 remains closed. In the configuration shown in Fig. 3, exhaust check valve 22 opens and fluid flows from point 24 to point 25. Intake check valve 21 remains closed. (Col. 5, lines 38-61).

On page 2 of the final Office Action, the Examiner asserts that the point 25 corresponds to the claimed "suction port," point 24 corresponds to the claimed "first device port," and the area adjacent valve 22 that connects to valve 21 (the area to the left of valve 21 in Figs. 2 and 3) corresponds to the "second device port, and exhaust check valve 22 corresponds to the claimed "flexible flow valve." Even assuming *arguendo* that this is true, Higley still does not disclose or suggest, "a flexible flow valve having an opening positioned in both a first flow path between the first device port and the second device port and a second flow path between the first device port and the suction port," as set forth in claim 1.

For example, exhaust check valve 22 is not in "a first flow path between the first device port and the second device port." Fluid flow from point 23 to point 24, as shown in Fig. 2, does not use valve 22. Thus, claim 1 patentably distinguishes from Higley. For at least these reasons, Applicants respectfully request withdrawal of the Section 102(b) and Section 103(a) rejections based on Higley, and allowance of pending claims 1-24.

Applicants further submit that claims 2-24 depend from independent claim 1, and are therefore allowable for at least the same reasons that independent claim 1 is allowable. In addition, each of the dependent claims recite unique combinations that are neither taught nor suggested by the cited references, and therefore also are separately patentable.

Applicants respectfully request that this Request for Reconsideration After Final be considered by the Examiner, placing claims 1-24 in condition for allowance. No new issues are raised, and this response does not necessitate the undertaking of any

additional search of the art by the Examiner, as all of the elements and their relationships claimed were earlier claimed verbatim. Therefore, this Request for Reconsideration After Final should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final Office Action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the consideration of this Request for Reconsideration After Final would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

In view of the foregoing remarks, this claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. For example, Applicants do not necessarily agree with comments on page 3-4 of the final Office Action regarding the nature of dependent claims 17-20 or the Section 103 rejection of certain dependent claims. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the final Office Action.

In discussing the specification, claims, and drawings in this Request for Reconsideration After Final, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicants are entitled to have


the claims interpreted broadly, to the maximum extent permitted by statute, regulation,
and applicable case law.

Please grant any extensions of time required to enter this Request for
Reconsideration After Final and charge any additional required fees to our Deposit
Account No. 06-0916.

Respectfully submitted,

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